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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA

SEP - 6 2005

LAFAYETTE-OPELOUSAS DIVISION

ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

GEORGIANA WALKER

\*

CIVIL ACTION NO. 04-2150

VERSUS

\*

JUDGE MELANÇON

COMMISSIONER OF SOCIAL  
SECURITY

\*

MAGISTRATE JUDGE HILL

**JUDGMENT**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

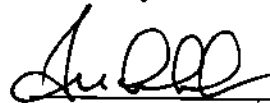
Accordingly, **IT IS ORDERED, ADJUDGED AND DECREED** that the Commissioner's previous administrative decision is **REVERSED** and this action is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>4</sup> This includes, but does not limit,

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<sup>4</sup>A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993);

sending the case to the hearing level with instructions to the Administrative Law Judge to obtain vocational expert testimony based on claimant's residual functional capacity assessment by an examining physician. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 28<sup>th</sup> day of September, 2005.



TUCKER L. MELANÇON

UNITED STATES DISTRICT JUDGE

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DATE

9/29/05

BY

PD

TO

TL